



Focus

Solid Waste Permits-by-Rule and Best Available Control Technology

Legislature Requires Further Study of Solid-Waste Permitting (Substitute House Bill 2960)

The 1998 Legislature directed Ecology (through Engrossed Senate Bill 6203) to extend the study performed last year on the Washington solid-waste permitting system. The earlier study, entitled "ESHB 1419 Report: Washington's Solid-Waste Permit System," made recommendations for reducing burdensome permitting mechanisms, especially for recycling facilities. These recommendations prompted the Legislature to adopt **permitting exemptions, permit-by-rule, general permits and permit deferrals**, as part of ESB 6203.

In the new law, the Legislature authorized Ecology to exempt beneficial uses of solid waste and other low-risk facilities from solid-waste permits. The new law also allowed jurisdictional health departments to defer solid-waste permits to other environmental permits issued under air and water pollution laws.

ESB 6203 asks for more investigation of permitting **consistency**, of the usefulness of the **permit-by-rule**, and the applicability of **best available control technology** to recycling facilities. Ecology is to submit its report to the Legislature by December 1, 1998, integrating the results of this study with its earlier studies submitted last December.

What is a Permit-By-Rule?

A permit-by-rule is a permit, all of whose conditions would be spelled out in regulation. Permits-by-rule could be issued to similar and numerous facilities -- like drop boxes or possibly composting facilities. Permits-by-rule are unlike individual solid-waste permits issued to landfills that may have site-specific conditions required by each jurisdictional health department (JHD). The permit-by-rule would cover all facilities in a class of facilities state-wide; each applicant would be required to notify its JHD that its facility is operating under the terms of the permit-by-rule. JHDs would determine applicability of the permit by rule or the need for an individual permit. These facilities would be subject to periodic inspection by the JHD and, where necessary, be subject to enforcement including revoking the permit.

What is Best Available Control Technology?

Best available control technology is a feature of local, state and federal air-quality rules. Expressed as a stack emission limit or as best operating practices, it requires the application of the maximum degree of reduction of air-pollutants or the use of best operating practices achievable for new or modified sources. Most BACT determinations

have covered “conventional” air pollutants such as finely divided particulate matter, and gases such as sulfur dioxide, ozone and nitrogen oxides. The Legislature is interested in whether odorous emissions might be controlled by applying BACT to compost facilities, material recovery facilities and other recycling facilities.

What is meant by “consistency” in solid-waste permitting?

SHB 2960 (adopted in 1998) asks Ecology to study the consistency of multi-jurisdictional, regional recycling facilities to determine whether similar facilities in different jurisdictions are consistently permitted and regulated across the state. Another type of consistency -- consistency of the solid-waste permit with the local comprehensive solid-waste plan -- is not the focus of this study. Two examples of multi-jurisdictional regional recycling facilities are large composting facilities that may take organic material from more than one county, or material recovery facilities that process household recyclables to produce saleable by-products.

What's Next

Ecology has developed a work plan for implementing the study and reviewed its progress with the State Solid Waste Advisory Committee. Concurrently, Ecology is contacting interested audiences to gain their insights about the most desirable outcome and the pitfalls of the study. Ecology will look at the permit-by-rule, options for best available control technology and other regulatory options that address the issues raised in the law. Public meetings will be conducted in October to gain additional comments on the draft report.

For more information or to arrange for a meeting to share your ideas and comments, contact:

Jay Shepard, Section Head
Solid Waste and Financial Assistance Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6071
FAX (360) 407-7157

or

James C. Knudson, P.E.
Environmental Engineer
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6110
FAX (360) 407-7157

E-mail: jknu461@ecy.wa.gov

You can also reply at our Website: <http://www.wa.gov/ecology/swfa/swhome.html>

Look for drafts of the report that will be posted in the future on this Website.

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